

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

In the Matter of:)
)
 Amendment of Section 73.202(b))
 Table of Allotments)
 FM Broadcast Stations)
 (Pearsall, Texas))
)
 To: Chief, Media Bureau (Audio Division))

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APR 16 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

Pearsall RadioWorks, Ltd., licensee of Station KVWG-FM, Pearsall, Texas
 ("Petitioner"), by its attorney, hereby requests the following change to the FM Table of
 Allotments, Section 73.202(b) of the Commission's rules:

	<u>Present</u>	<u>Proposed</u>
Pearsall, Texas	237A, 281C1	227A, 281C1

Petitioner also requests that the Commission simultaneously modify the license of Station
 KVWG-FM, which currently operates on Channel 237A, to specify operations on Channel 227A.

The attached engineering statement shows that Channel 227A can be allotted to Pearsall
 at KVWG-FM's transmitter site (28-53-13 North, 99-06-40 West). See Exhibit 1. The only
 impediment is the *Notice of Proposed Rule Making* ("NPRM"), DA- 01-1393, in MM Docket
 No. 01-1393 (released June 8, 2001), which proposes the allotment of Channel 227A to Pearsall
 as an allotment for a new station. However, Exhibit 2 to this petition is copy of a "Motion to
 Dismiss Application," being filed simultaneously, through which Charles Crawford, the Docket
 01-1393 petitioner, has withdrawn his expression of interest for a new station at Pearsall and has

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requested the dismissal of his underlying Petition for Rule Making (RM-10140). Since no other expressions of interest for the channel--or counterproposals--were filed in response to the *NPRM*, the proceedings in MM Docket No. 01-1393 may be terminated, thereby making it possible for FCC to consider Petitioner's proposal for the use of Channel 227A as a substitute for Station KVWG-FM's current channel, 237A, at Pearsall.

Approval of the proposed Channel A-for-Channel A substitution will serve the public interest. Due to short spacing with Station KCOR, Channel 236C1, Comfort, Texas, Station KVWG-FM operates on a contour-protected basis with a power of 100 Watts from an antenna height above average terrain of 50 meters. *See Exhibit 1*. Using Channel 227A at the same site, KVWG-FM can operate with a maximum Class A facility and provide substantially improved service to Pearsall and the surrounding area. Converting the present 100-Watt operation to such a maximum Class A facility will, according to Petitioner's engineer, afford the following increases in 60 dBu service:

	<u>Present Coverage</u>	<u>Prospective Coverage</u>	<u>Percent Increase</u>
Area (sq. km)	167	1,055	531.7
Population	6,685	15,815	136.6

See Exhibit 1. Additionally, the proposed channel substitution will afford Petitioner flexibility that it currently does not have in choosing a new site. *Id.*

The proposed substitution does not involve adjacent channels. For this reason, Petitioner cannot avail itself of the one-step upgrade procedures available under Section 73.203(b) of the rules. However, it is the Commission's policy not to accept competing expressions of interest for the use of a non-adjacent channel in a community where the proposed assignment is the

equivalent of the channel proposed for deletion. *Osceola and Sedalia, MO* (NPRM), 14 FCC Rcd 17121, 17122 (Chief, Alloc. Br. 1999). It is requested that the notice of proposed rule making issued in response to this petition include language indicating that this policy will be followed here.


Should the proposed channel substitution be approved, Petitioner will apply for a construction permit for upgraded facilities on Channel 227A and, upon approval, construct a new full-power Class A station.

WHEREFORE, It is respectfully requested that the Commission substitute Channel 227A for Channel 237A at Pearsall, Texas, and modify the license of Station KSWG-FM accordingly.

Respectfully submitted,

PEARSALL RADIOWORKS, LTD.

By


Harry C. Martin
Its Attorney

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209
703-812-0400

April 16, 2002

TECHNICAL NARRATIVE

This technical showing is prepared to support a request by Pearsall Radio Works, Ltd. licensee of KVWG-FM. This proposal requests to delete 237A and add 227A for KVWG-FM. The proposed site is the same site of KVWG-FM, Facility No. 52047. There will be no service lost.

The current licensed operation of KVWG-FM serves 9,130 persons in 167 square kilometers. KVWG-FM operates under FCC 73.215 with 100 Watts of power at 50 meters HAAT. This proposal for 227A will serve 15,815 persons within 1,055 square kilometers, an increase in 6,685 persons and 167 square kilometers in area. Therefore this channel change is in the public interest.

Because of the short spacing with KCOR-FM, Comfort, Texas, Channel 236C1, there is no place to move the Channel 237 site to achieve full spacing for maximum service. Therefore this channel change is proposed to bring the allocation of KVWG into full compliance of spacing and be eligible for full power operation.

The proponent has dismissed the RM-10140 request for 227A in Pearsall and there is no other expression of interest for additional service to Pearsall, Texas. This proposed channel has been submitted to Mexico for approval. Because of the coordination provided in RM-10140 and the lack of other expressions of interest, this proposal may be granted in a timely manner.

Pearsall is also served by KMMG, 281C1 and KVWG (AM).

My qualifications are a matter of record with the FCC. The above information and attached exhibits are true and correct according to my knowledge and belief.

April 15, 2002



John R. Furr

FM Study for: KVGWFM

FCC Database Date: 4/5/2002

28-53-13

Location: PEARSALL, TX

Channel Class: A

99-06-40

[*] by HAAT indicates calculated as missing in database.

Call City, State

Chan Class Freq kW Latitude Dist.

Required

Status Proponent

File Number HAAT Longitude Azm. Clear (km)

>>>>>>> Study For Channel 227 93.3 MHz <<<<<<<

ALLOCR	PEARSALL, TX	227 A	93.3		28-54-16	10.4	115	
ADD		RM-10140		0	99-12-59	280.7	-104.6	SHORT
KXMG	CEDAR PARK, TX	227 C	93.3	100.	30-43-34	230.9	226	
LIC	Fac. No. 23604	BMLH-20000328AHS		594	97-59-23	27.7	+4.9	CLOSE
ALLOC	KILLEEN, TX	227 C	93.3		30-43-34	230.9	226	
USE	Fac. No. 23604	-		0	97-59-23	27.7	+4.9	CLOSE
KXMG	CEDAR PARK, TX	227 C	93.3	100.	30-43-34	230.9	226	
CP	Fac. No. 23604	BPH-20011114AAU		587	97-59-23	27.7	+4.9	CLOSE
KMMG	PEARSALL, TX	281 C1	104.1	100.	28-44-53	30.8	22	
CP	Fac. No. 83596	BMPH-20001103ABR		299	98-50-14	119.9	+8.8	CLOSE
ALLOCR	LAREDO, TX	227 A	93.3		27-48-03	125.1	115	
ADD		RM-kms45		0	99-27-37	196.0	+10.1	CLOSE
ALLOCR	LAREDO, TX	227 A	93.3		27-48-03	125.1	115	
ADD		RM-		0	99-27-37	196.0	+10.1	CLOSE
ALLOC	CARRIZO SPRINGS, TX	228 A	93.5		28-31-12	88.4	72	
VAC	Fac. No. 72641	-		0	99-54-52	242.8	+16.4	CLEAR
KMMG	PEARSALL, TX	281 C1	104.1	100.	28-43-16	38.7	22	
CP	Fac. No. 83596	BMPH-20010924AAI		299	98-45-43	118.2	+16.7	CLEAR
KROM	SAN ANTONIO, TX	225 C1	92.9	45.0	29-16-29	93.0	75	
LIC	Fac. No. 67071	BLH-19970530KA		412	98-15-52	62.3	+18.0	CLEAR
ALLOC	GEORGE WEST, TX	228 C3	93.5		28-15-46	112.3	89	
VAC	Fac. No. 94423	Dockt-1991-283		0	98-12-24	127.8	+23.3	CLEAR
KITE	PORT LAVACA, TX	227 C1	93.3	100.	28-42-22	226.4	200	
LIC	Fac. No. 12179	BLH-19920518KB		97	96-48-03	94.5	+26.4	CLEAR
KBNU	UVALDE, TX	230 C3	93.9	25.0	29-16-34	71.4	42	
LIC	Fac. No. 69552	BLH-20011102AAH		89	99-41-44	307.3	+29.4	CLEAR

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(Pearsall, TX))

MM Docket No. 01-124
RM-10140

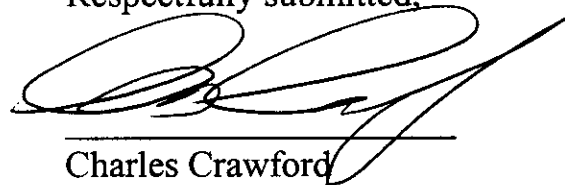
To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

Motion to Dismiss Petition

I, Charles Crawford, respectfully move that the FCC dismiss my Petition, in the above captioned proceeding, to allot a new FM channel to Pearsall, Texas.

An appropriate Affidavit, required by 47 CFR 1.420(j), is attached hereto.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele
(214) 443-9308 Fax

March 25, 2002

SWORN AFFIDAVIT

Charles Crawford does state under penalty of perjury:

1. My name is Charles Crawford and I filed a Petition for Rulemaking to allot a new FM channel to Pearsall, TX, on or about May 14, 2001.
2. I have concluded to request that the FCC dismiss my Petition/ expression of interest. I hereby certify that I have not nor will not receive, either directly or indirectly, any money or other consideration in excess of legitimate and prudent expenses in connection with the dismissal of the Petition/ expression of interest. I declare that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 25th day of March, 2002.

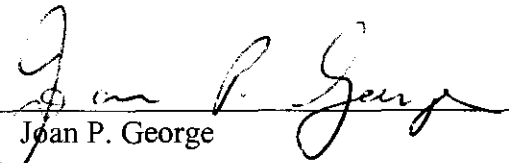
A handwritten signature in black ink, appearing to be 'Charles Crawford', written over a horizontal line.

Charles Crawford

CERTIFICATE OF SERVICE

I, Joan P. George, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that a true copy of the *Petition for Rule Making* was sent this 16th day of April, 2002, by hand to the following:

John A. Karousas, Esq.
Assistant Chief, Audio Division
Media Bureau
Federal Communications Commission
The Portals
445 12th Street, SW, Room A266.
Washington, D.C. 20554


Joan P. George